

Lawrence E. Buterman
Direct Dial: 212.906.1264
lawrence.buterman@lw.com

MEMO ENDORSED

53rd at Third
885 Third Avenue
New York, New York 10022-4834
Tel: +1.212.906.1200 Fax: +1.212.751.4864
www.lw.com

LATHAM & WATKINS LLP

October 24, 2019

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/25/2019

VIA ECF AND EMAIL

The Honorable Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

FIRM / AFFILIATE OFFICES

Beijing	Moscow
Boston	Munich
Brussels	New York
Century City	Orange County
Chicago	Paris
Dubai	Riyadh
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

Re: *Relevant Sports, LLC v. United States Soccer Federation, Inc.*,
Case No. 1:19-cv-08359 (VEC)

Dear Judge Caproni:

On behalf of Defendant United States Soccer Federation, Inc., we write to request permission to file the enclosed joint letter in the above-captioned case under seal, pursuant to Rule 5.A of Your Honor's Individual Practices in Civil Cases. Plaintiff Relevant Sports, LLC ("Relevant") does not oppose this request. U.S. Soccer makes this request because the joint letter contains information that both U.S. Soccer and Relevant are contractually required to keep confidential. Specifically, the redacted portions of pages 3, 4, and 5 of the joint letter contain information that U.S. Soccer and Relevant are required to keep confidential pursuant to a confidential agreement between the parties. The Court previously sealed aspects of Relevant's Complaint that discuss the same confidential information that is sought to be sealed here. *See* Dkt. No. 8.

The Second Circuit in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006), explained that the presumption of public access to judicial documents rests on the notion that public monitoring of the work of the federal courts "is an essential feature of democratic control. ... Such monitoring is not possible without access to testimony and documents that are used in the performance of Article III functions." Once a court has determined that the documents sought to be sealed are judicial documents to which a common law presumption of access attaches, it must determine the weight of that presumption. *Id.* at 119.

At the same time, this Court has "considerable discretion in determining whether good cause exists to overcome the presumption of open access to documents in [its] courts." *Geller v. Branic Int'l Realty Corp.*, 212 F.3d 734, 738 (2d Cir. 2000). And under Second Circuit law, a confidentiality agreement may form the basis for a sealing order. *See DiRusso v. Dean Witter Reynolds, Inc.*, 121 F.3d 818, 828 (2d Cir. 1997). The narrowly tailored portions of the parties' joint letter contain information that U.S. Soccer and Relevant are required to keep confidential pursuant to a confidential agreement. The information sought to be filed under seal is of a

LATHAM & WATKINS LLP

limited quantity, as it accounts for approximately 5 percent (.25 out of 5 pages) of the substance of the joint letter. This further supports the issuance of a sealing order. *See Avocent Redmond Corp. v. Raritan Ams., Inc.*, 2012 U.S. Dist. LEXIS 107801, at *42 (S.D.N.Y. July 31, 2012).

Accordingly, U.S. Soccer respectfully requests that the Court issue an order permitting it to file (1) a redacted version of the joint letter for the public docket and (2) an unredacted version of the joint letter under seal.

Application GRANTED. Defendant may file a redacted version of the joint letter on the docket and an unredacted version under seal.

SO ORDERED.

Valerie Caproni

10/25/2019

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

cc: All counsel of record (via ECF and email)

Respectfully submitted,

/s/ Lawrence E. Buterman

Lawrence E. Buterman
LATHAM & WATKINS LLP
885 Third Avenue
New York, New York 10022
lawrence.buterman@lw.com

*Attorneys for Defendant United States
Soccer Federation, Inc.*